

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

ANTHONY FREY, a Washington resident, on
behalf of himself and all others similarly
situated,

Plaintiff and Counter-
Defendant,

v.

3PD, INC., a Georgia corporation,

Defendant and Counter-
Plaintiff.

3PD, INC., a Georgia corporation,

Third-Party Plaintiff,

v.

OUTBACK DELIVERY, LLC, a Washington
limited liability company,

Third-Party Defendant.

CASE NO. C08-0630-JCC

STIPULATION AND ORDER
AMENDNG CASE SCHEDULE

WHEREAS this Court previously set the trial date for this matter for June 21, 2010;

WHEREAS the current deadline for Plaintiffs to file their motion for class certification
is April 30, 2009;

WHEREAS the parties agree that the deadlines proposed in this case are reasonable in light of the recently revised schedule in *Phelps et. al v. 3PD, Inc.*, Case No. 3:08-CV-0387-HU, the Oregon case prosecuted and defended by many of the same counsel herein;

WHEREAS the parties have been working cooperatively and diligently regarding discovery issues and do not anticipate any further delays; and

WHEREAS the trial date has not been previously changed.

Therefore the parties agree and stipulate as follows:

I. STIPULATION

The parties agree that good cause exists to amend the case management schedule as follows:

Event	Deadline
Deadline for completing class certification discovery	6/01/09
Plaintiffs file motion for class certification	6/15/09
Defendants file opposition to motion for class certification	7/22/09
Plaintiffs file reply in support of motion for class certification	8/21/09
Hearing on motion for class certification	The week of 9/21/09 or whatever is convenient for the Court
Disclosure of expert witnesses and their reports	5/3/10
Disclosure of rebuttal expert witnesses and their reports	6/1/10
Pleading amendment deadline	6/1/10
Merits discovery deadline	6/29/10
Dispositive motion deadline	7/15/10
Plaintiffs file pretrial statement	8/16/10
Defendants file pretrial statement	8/30/10

Conference to prepare pretrial order	9/14/10
Mediation to be completed	11/01/10
Pretrial Order due	2/18/11
Trial briefs, jury instructions and voir dire due	2/22/11
Trial date	2/28/11

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*Counsel for Defendant, Counter-Plaintiff and
Third-Party Plaintiff*

II. ORDER

Based on the stipulation of the parties and for good cause shown, the Court Orders that the following schedule govern this case:

Event	Deadline
Deadline for completing class certification discovery	6/01/09
Plaintiffs file motion for class certification	6/15/09
Defendants file opposition to motion for class certification	7/22/09
Plaintiffs file reply in support of motion for class certification	8/21/09
Hearing on motion for class certification	10/8/09 at 9:00 a.m.
Disclosure of expert witnesses and their reports	5/3/10
Disclosure of rebuttal expert witnesses and their reports	6/1/10
Pleading amendment deadline	6/1/10
Merits discovery deadline	6/29/10
Dispositive motion deadline	7/15/10
Plaintiffs file pretrial statement	8/16/10

Defendants file pretrial statement	8/30/10
Conference to prepare pretrial order	9/14/10 (This conference is between the parties and does not involve a court hearing.)
Mediation to be completed	11/01/10
Pretrial Order due	2/17/11
Trial briefs, jury instructions and voir dire due	2/22/11
Trial date	2/28/11

The deadlines and hearing date previously set by the Court in the Order at Docket No. 45 are hereby vacated.

DATED this 23rd day of March, 2009.



John C. Coughenour
UNITED STATES DISTRICT JUDGE

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2 CERTIFICATE OF SERVICE

3 I, Beth Terrell, hereby certify that on March 23, 2009, I electronically filed the
4 foregoing with the Clerk of the Court using the CM/ECF system which will send notification of
5 such filing to the following:

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16 *Counsel for Defendant, Counter-Plaintiff and Third-Party Plaintiff*

17 DATED this 19th day of March, 2009.

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